REMARKS

Amendments to the Claims

Claim 1 has been amended to modify the text reading "and having port means providing interface at a relatively low data rate and at a relatively high data rate" to read "having port means and providing selection of one of a plurality of electrical interface standards for communication using said port means, based upon user input". Support for the amendments may be found, for example, in Fig. 4 and in related text on pages 10, 11, and 12 of the Application. The Applicants respectfully submit that no new matter has been added by these amendments.

Claims 4 and 9 have been amended to modify the text reading "a plurality of interface means" to read "the plurality of electrical interface standards". Support for the amendments may be found, for example, in Fig. 4 and in related text on pages 10, 11, and 12 of the Application. The Applicants respectfully submit that no new matter has been added by these amendments.

Claim 10 has been amended to modify the text "at least three of said communication ports selectively controllable to provide data interchange by an RS232 interface, at least two of said communication ports selectively controllable to provide data interchange by a RS422 interface" to read "at least three of said communication ports selectively controllable to provide data interchange using an RS232 electrical interface standard, based upon user input, at least two of said communication ports selectively controllable to provide data interchange using a RS422 electrical interface standard, based upon user input". Support for the amendments may be found, for example, in Fig. 4 and in related text on pages 10, 11, and 12 of the Application. The Applicants respectfully submit that no new matter has been added by these amendments.

Claim 15 has been amended to modify the text "at one or more communication rates." To read "using one of a plurality of electrical interface standards, based upon user input." Support for the amendments may be found, for example, on pages 10, 11, and 12 of the Application. The Applicants respectfully submit that no new matter has been added by these amendments.

Rejections of Claims

Claims 1-20 are pending in the application. Claims 1-20 were originally submitted in an application filed October 8, 2001. Claims 1-20 were rejected in an Office action mailed October 1, 2003, to which a response was filed December 30, 2003. New claim 21 is added by this Amendment. Claims 1, 10, and 15 are independent claims. Claims 2-9, 11-14, and 16-21 depend either directly or indirectly from independent claims 1, 10, and 15, respectively. The Applicants request reconsideration of the pending claims 1-20, and newly added claim 21, in light of the following remarks.

Claims 1-4, 6, 7, 9-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alvaraez III, et al (U.S. 4,332,046 hereinafter "Alvarez") in view of Freeburg (US 4,850,032). The Applicants respectfully traverse the rejection.

As an initial matter, the Applicants wish to address the use of Official Notice with respect to claims 5, 6, 8, 9, 13, 17, and 18:

Regarding claim 5, the Office action asserts Official Notice and alleges, without any supporting evidence, that "interconnection over a single twisted pair is known in the art." (See Office action at page 6.)

Regarding claim 6, the Office action asserts Official Notice and alleges, without any supporting evidence, that "such a spread spectrum means is known in the art for the purpose of reducing noise and interference." (See Office action at page 4.)

Regarding claim 8, the Office action asserts Official Notice and alleges, without any supporting evidence, that "all of the above interface means are known in the art." (See Office action at page 6.)

Regarding claim 9, the Office action asserts Official Notice and alleges, without any supporting evidence, that "all of the above interface means are know in the art." (See Office action at page 4.)

Regarding claims 13 and 18, the Office action asserts Official Notice and alleges, without any supporting evidence, that "using more that one host computer or a second data processor in a

data communication system is know in the art for the purpose of increasing the system capacity." (See Office action at page 4.)

Regarding claim 17, the Office action asserts Official Notice and alleges, without any supporting evidence, that "such a diagnostic device is known in the art for the purpose [of] testing or monitoring the system operation." (See Office action at page 5.)

Applicants respectfully challenge the conclusory assertions made in the Office action without any supporting evidence that the elements recited in [dependent] claims 5, 6, 8, 9, 13, 17, and 18 are well known or obvious in the art. Applicants respectfully submit that the elements recited in claims 5, 6, 8, 9, 13, 17, and 18 are not well known or obvious in their respective contexts. Applicants respectfully submit that, for example, in the context of the elements as recited in independent claim 1, independent claim 10, and independent claim 15, and intervening dependent claims, the elements in dependent claims 5, 6, 8, and 9, claim 13, and claims 17 and 18 are not well known or obvious.

M.P.E.P. §2144.03(E) states that "[i]t is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based." Accordingly, in order to maintain the rejections, Applicant respectfully requests that the Examiner produce references in support of the Examiner's contentions or, if the Examiner is relying upon personal knowledge to support the findings of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the findings. (See, e.g., M.P.E.P. §2144.03 and 37 C.F.R. §1.104(d)(2).)

With regard to an obviousness rejection, MPEP 2142 states that in order for a prima facie case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combination of references must teach or suggest all the claim limitations. Further, MPEP 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination", and that "although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so'" (citing In re Mills, 916 F. 2d 680, 16 USPQ 2d 1430 (Fed Cir. 1990)). Moreover, MPEP

2143.01 also states that the level of ordinary skill in the art cannot be relied upon to provide the suggestion...," citing Al-Site Corp. v. VSI Int'l Inc., 174 F. 3d 1308, 50 USPQ 2d. 1161 (Fed Cir. 1999).

Regarding amended claim 1, the Applicants submit that the proposed combination of references does not teach, suggest, or disclose, for example, in a data communication system having a plurality of mobile transceiver units communicative with a plurality of base transceiver units, a network controller intercommunicative between the base transceiver units and one or more host computers for data interchange therebetween, having port means and providing selection of one of a plurality of electrical interface standards for communication using said port means, based upon user input. More specifically, the proposed combination of Freeburg and Alvarez fails to teach, suggest, or disclose, for example, anything with respect to a network controller providing selection of one of a plurality of electrical interface standards for communication using said port means, based upon user input. Freeburg merely discloses a data communication system having a network control processor with RS232 interfaces. (See, e.g., FIG. 1 and 2, and respective text). Freeburg is silent with respect to providing selection of one a plurality of electrical interfaces, and limits discussion to RS232 interfaces. For example, Freeburg fails to disclose a means for user input for selection of an electrical interface standard. Alvarez simply discloses a satellite communication controller (item 22 of FIG. 3) having ports of three basic types, each of the types serving a particular fixed set of data rates (see, e.g., col. 7, ll. 26-38 and col. 9 ll. 50-61) Alvarez fails to disclose anything with respect to the satellite communication controller (22) that provides selection of one of a plurality of electrical interface standards for communication using said port means, based upon user input. Therefore, the proposed combination of references fails to teach or suggest all the limitations of claim 1.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that amended claim 1 is allowable over the proposed combination of Freeburg and Alvarez. Claim 1 is an independent claim. Because claims 2-9 depend either directly or indirectly upon claim 1, Applicants respectfully submit that claims 2-9 are also allowable over the proposed combination

of references, for at least the reasons given above. Therefore, the Applicants respectfully request that the rejection of claims 1-4, 6, 7, and 9 under 35 U.S.C. §103(a), be withdrawn.

Regarding amended claim 10, the Applicants respectfully submit the proposed combination of references does not teach, suggest, or disclose, for example, in a data communication system having a multiplicity of mobile portable transceiver units communicative by radio means with base transceiver units, apparatus for data interchange between said base transceiver units and a host computer comprising, a housing having a multiplicity of communication ports thereon, at least three of said communication ports selectively controllable to provide data interchange using an RS232 electrical interface standard, based upon user input, at least two of said communication ports selectively controllable to provide data interchange using an RS422 electrical interface standard, based upon user input. More specifically, the proposed combination of references fails to teach, suggest, or disclose, for example, anything with respect to communication ports selectively controllable to provide data interchange using an electrical interface standard, based upon user input. Freeburg merely discloses a data communication system having a network control processor with RS232 interfaces. (See, e.g., FIG. 1 and 2, and respective text). For example, Freeburg limits discussion to RS232 interfaces, and fails to disclose user input for selection of an electrical interface standard. Alvarez simply discloses a satellite communication controller (item 22 of FIG. 3) having ports of three basic types, each of the types serving a particular fixed set of data rates (see, e.g., col. 7, ll. 26-38 and col. 9 ll. 50-61) Alvarez fails to disclose anything with respect to the satellite communication controller (22) that provides selection of electrical interface standards for communication, based upon user input. Therefore, the proposed combination of references fails to teach or suggest all the limitations of claim 10.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that amended claim 10 is allowable over the proposed combination of Freeburg and Alvarez. Claim 10 is an independent claim. Because claims 11-14 depend either directly or indirectly upon claim 10, Applicants respectfully submit that claims 11-14 are also allowable over the proposed

combination of references, for at least the reasons given above. Therefore, the Applicants respectfully request that the rejection of claims 10-14 under 35 U.S.C. §103(a), be withdrawn.

Regarding amended claim 15, the Applicants respectfully submit the proposed combination of references does not teach, suggest, or disclose, for example, an improved apparatus for collecting transmitting and processing data stored in a code, such as a bar code, said apparatus including a portable code reader with processing and transmitting units for radiating information in the form of electromagnetic waves, a stationary receiver physically separated from the code reader, and a data processor coupled to the stationary receiver, wherein the improvement comprises a network controller member having a multiplicity of communication ports thereon, said network controller member intercommunicative with said data processor at one of said communication ports, said network controller member intercommunicative with said stationary receiver at another of said communication ports, said network controller member selectively operable with said data processor using one of a plurality of electrical interface standards, based upon user input. More specifically, the proposed combination of references fails to teach, suggest, or disclose, for example, anything with respect to a network controller member selectively operable with a data processor using one of a plurality of electrical interface standards, based upon user input. Freeburg merely discloses a data communication system having a network control processor with RS232 interfaces. (See, e.g., FIG. 1 and 2, and respective text). For example, Freeburg limits discussion to RS232 interfaces, and fails to teach, suggest, or disclose user input for selection of an electrical interface standard. Alvarez simply discloses a satellite communication controller (item 22 of FIG. 3) having ports of three basic types, each of the types serving a particular fixed set of data rates (see, e.g., col. 7, ll. 26-38 and col. 9 ll. 50-61) Alvarez fails to teach, suggest, or disclose anything with respect to providing selection of electrical interface standards for communication, based upon user input. Therefore, the proposed combination of references fails to teach or suggest all the limitations of claim 15.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that amended claim 15 is allowable over the proposed combination of Freeburg and Alvarez. Claim

15 is an independent claim. Because claims 16-20 depend either directly or indirectly upon claim 15, Applicants respectfully submit that claims 16-20 are also allowable over the proposed combination of references, for at least the reasons given above. Therefore, the Applicants respectfully request that the rejection of claims 15-20 under 35 U.S.C. §103(a), be withdrawn.

Claims 5 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Freeburg (US 4,850,032) in view of Alvarez, III et al (US 4,332,026 hereinafter "Alvarez") as applied to claim 4 above, and further in view of Harrison (US 5,181,200). The Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 5 and 8 are dependent claims of independent claim 1. Applicants believe that independent claim 1 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Alvarez. Because claims 5 and 8 depend from claim 1, the Applicants respectfully submit that dependent claims 5 and 8 are allowable over the proposed combination of references for at least the reasons given above with respect to claim 1. Therefore, the Applicants respectfully request that the rejection of claims 5 and 8 under 35 U.S.C. 103(a) be withdrawn.

Newly Added Claims

Claim 21 has been added. Claim 21 depends from independent claim 15. Support for this new claim may be found, for example, in Fig. 4 and in related text on pages 10, 11 and 12 of the Application. The Applicants believe that claim 21 is allowable for at least the same reasons as claim 15.

Conclusion

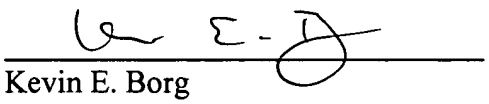
The Applicants believe that all of claims 1-21 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: September 19, 2005



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